

Authorizing The Chairman Of The Ulster County Legislature To Execute Inter-Municipal Agreements For Funding The Construction Of Sidewalks And Shoulders Along Plank Road (County Route 128 In Napanoch With the Town Of Wawarsing And The Wal-Mart Corporation – Department Of Public Works

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney, and Richard Parete)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, Sections A3-4 (Y) and A2-6(A)(3) of the Administrative Code provide that the Chairman of the Ulster County Legislature can, upon approval of the County Legislature, enter into an intermunicipal agreement on behalf of the County of Ulster; and

WHEREAS, pursuant to General Municipal Law, Section 119-n(a), the definition of a municipal corporation includes a town; and

WHEREAS, the Wal-Mart Corporation (hereinafter referred to as “WAL-MART”) owns certain real property located at 7500 Route 209 Ellenville, New York upon which it operates its commercial retail operation (hereinafter referred to as the “STORE”); and

WHEREAS, the County granted a highway work permit dated September 13, 2011 under Section 136 of New York State’s Highway Law to WAL-MART that provided for WAL-MART to improve Plank Road a/k/a County Road No. 128 to include sidewalks as part of the construction of a commercial access road for the Store; and

WHEREAS, WAL-MART posted a surety bond for performance of the work in the amount of \$15,000.00; and

WHEREAS, the Town and the Napanoch Fire District raised an issue with the sidewalk construction and the County engaged in a dialogue with the parties, including WAL-MART, in which an alternative approach to the originally planned sidewalk was agreed to; and

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WHEREAS, the agreed upon compromise provides for payment by WAL-MART to repair and reconstruct existing sidewalks in the hamlet of Napanoch by the Town of Wawarsing and construction of shoulders in place of the required sidewalk by the County as a condition for the release of the surety bond; and

WHEREAS, the Commissioner of the Ulster County Department of Public Works requests that the Chairman of the Ulster County Legislature be authorized to execute Inter-Municipal Agreement with the Town of Wawarsing that includes payment by WAL-MART in the amount of \$50,536.50 of which \$31,396.50 will be paid to the Town of Wawarsing and \$19,140.00 will be paid to Ulster County; and

WHEREAS, based on the examination by the Ulster County Legislature, the proposed work to be funded under this agreement has been determined to be a Type II Action as defined under Sections 2.1 and 4.5.3 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List which was adopted pursuant to Resolution No. 118 dated April 20, 2010 pursuant to the regulations of the New York State Department of Environmental Conservation; now, therefore be it

RESOLVED, that the Chairman of the Ulster County Legislature is authorized to execute intermunicipal agreements, and any amendments thereto, with the Town of Wawarsing that provides for the release of the surety bond in the amount of \$15,000.00 and payment in the total amount of \$50,536.50 by the Wal-Mart Corporation of which \$31,396.50 will be utilized by the Town of Wawarsing for the repair and rehabilitation of sidewalks in the hamlet of Napanoch, and \$19,140.00 will be utilized by the County of Ulster for the construction of a shoulder along Plank Road (County Route 128) in the hamlet of Napanoch,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

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Passed Committee: Public Works and Capital Projects on May 7, 2015

Passed Committee: Ways and Means on May 13, 2015

FINANCIAL IMPACT:

\$19,140.00 - ADDITIONAL 2015 REVENUE DOLLARS

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19th Day of May in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of May in the year Two Thousand and Fifteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
21st Day of May, 2015.

Approved by the County Executive this
27th Day of May, 2015.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive